

ANSWER TO COMPLAINT/PETITION/MOTION INSTRUCTIONS FOR COMPLETING CC-DR 50

If you have been served with divorce, custody, visitation or child support papers, you must file an answer if you want to participate in the case. You should file an answer if you disagree with anything in the papers filed by the other side, and you want the court to hear your side of the story. **If you do not file an answer, the court may give the other side what he or she has asked for without hearing what you have to say.** If the case is uncontested, you still may want to file an answer because that will speed up the process.

If you are filing an answer, you must file in the county where the Complaint, Petition, or Motion was filed. If you think the other side filed in the wrong county, you can ask the court, in writing, to move the case to a different county. This is a situation that may require a lawyer's assistance.

YOU MAY NEED AN ATTORNEY IF:

- the case is contested and the other side has a lawyer.
- you are involved in a divorce case, and you or your spouse have a house, a pension, or a large amount of property or income. Even if it is a friendly divorce, you should talk to a lawyer before you sign any settlement papers or file anything in court.
- you might lose custody of your children.
- you think the court will need information that you cannot get.
- you are involved in a divorce case, and you have been married for close to ten years. Being married for ten years may entitle you to certain benefits.

>STEP 1 - Completion of Form CC-DR 50.

Fill in:

- the name of the court and the case number as it appears on the writ of summons you received.
- the plaintiff's and defendant(s)' names exactly as they appear on the paper you are answering.
- the **current** addresses and telephone numbers for both. (If your address is different from the one listed on the papers filed by the other party, be sure to tell that to the Clerk of Court when you file your papers).
- your name after the word "I" and the name of the complaint, Petition, or Motion that you are answering.

Lines 1 through 13: You must answer each numbered paragraph of the papers filed by the other side. Check off all statements that apply in your case. Check only one (1) block in each section AND DO NOT leave any blank sections. If the filed papers have more than twelve (12) numbered paragraphs, attach a separate page so that every numbered paragraph is answered.

Line 14: If you have other facts that you want the Court to consider, write them here. If there is not enough space, you may attach a separate piece of paper, but be sure to follow the instructions below. DO NOT WRITE ON THE BACK OF ANY FORM.

FOR THESE REASONS: Check each box that applies to you. **Be sure to SIGN the form.**

CERTIFICATE OF SERVICE: You **MUST** mail a copy of the answer and everything you are filing to the other side. If the other side has an attorney, mail the papers to that attorney. Fill in the certificate of service at the bottom of the Answer.

>STEP 2 - Other Court Documents.

In addition to this form you may also need to complete and attach to the Answer a:

1. Financial Statement for Alimony or Child Support if you or the other side are asking for alimony or child support. DR 30 or DR 31.

2. You may need to file a Domestic Case Information Report in addition to the CC-DR Forms. This form helps the court determine how to schedule your case. Ask the clerk if you need to file this form. If so, complete the form. Check each box that you think applies to your case and how you think the case should be scheduled.

>STEP 3 - Filing Your Forms.

File the completed forms with the Clerk of Court. You should have at least 3 copies of your papers when you are filing your papers: one for the court, one for the other side, and one for yourself. **Be sure you mail copies of everything you file to the other side.**

>STEP 4 - Marital and Non-marital Property.

If you are involved in a divorce case you may have to complete a Joint Statement of Parties Concerning Marital and Non-marital Property, DR 33, before your hearing date.

>STEP 5 - Child Support.

You should read the General Instructions for other information that may help you with your case, especially page 5 - **What Happens in Court?** If you did not receive the General Instructions, you may get them from the Clerk of the Court.

>STEP 6 - Counterclaim.

If you want something different from what the other side wants, you should fill out a counterclaim. The form for the counterclaim is attached to this packet. Check each box that applies to your case and fill out the appropriate CC-DR Form(s). See General Instructions (CC-DRIN) and Forms DR 1 through 21.

To serve the counterclaim, follow the CERTIFICATE OF SERVICE instructions above. To file the counterclaim, see Step 3 - Filing Your Forms, above.

IMPORTANT: Be sure to attach the CC-DR form(s) that correspond with what you are requesting on the counterclaim form. For example, if you are filing a counterclaim for custody, be sure to file DR 4 Complaint for Custody, etc. Failure to do so could result in your counterclaim NOT being addressed at the hearing.